

# HOUSE BILL No. 1395

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-131; IC 12-21-2-5.

**Synopsis:** Mental health placement. Provides that if the director of the division of mental health and addiction decides that a final placement decision is to be made for a mentally ill person, the decision must be made by a licensed psychiatrist or psychologist in consultation with the mentally ill person's psychiatrist or psychologist. (The introduced version of this bill was prepared by the health finance commission.)

**Effective:** July 1, 2003.

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## Becker, Brown C

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January 14, 2003, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1395

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-131 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 131. "Mentally ill  
3 individual", for purposes of **IC 12-21-2**, IC 12-22-1, and IC 12-24-17,  
4 means an individual who:

5 (1) has a psychiatric disorder that substantially impairs the  
6 individual's mental health; and

7 (2) requires care, treatment, training, or detention:

8 (A) because of the psychiatric disorder; or

9 (B) for the welfare of the individual or others of the  
10 community in which the individual resides.

11 SECTION 2. IC 12-21-2-5 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a) Subject to**  
13 **subsection (b)**, the director may delegate statutory duties or powers of  
14 the division, a bureau of the division, the director, or other statutorily  
15 created personnel.

16 **(b) If the director decides that a final decision is to be made**  
17 **concerning the placement of a mentally ill individual in a mental**

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- 1 health facility, the final decision must be made:
- 2 (1) by the director, if the director is a licensed psychiatrist or
- 3 licensed psychologist; or
- 4 (2) by a licensed psychiatrist or licensed psychologist who is
- 5 delegated the authority by the director;
- 6 in consultation with the patient's psychiatrist or psychologist.

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